

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Aviation

AGENDA DATE: June 29, 2010

CONTACT PERSON/PHONE: Monica Lombraña, A.A.E. -780-4793

DISTRICT(S) AFFECTED: All

SUBJECT: This is a resolution authorizing the City Manager to sign the First Amendment to the Maintenance Facility and Land Lease between the City of El Paso and DTG Operations, Inc., dba Dollar Rent A Car dba Thrifty Car Rental, to allow for the option to extend the lease one additional term of one year.

BACKGROUND / DISCUSSION:

On September 1, 2006, DTG Operations, Inc., dba Dollar Rent A Car dba Thrifty Car Rental, entered into a Maintenance Facility and Land Lease Agreement with the City of El Paso to complement its Rental Auto Concession Agreement operating at the El Paso International Airport and said lease did not contain an option to extend the term past June 30, 2010. The El Paso International Airport has exercised its option to extend DTG Operations, Inc.'s Concession agreement for one additional term of one year to expire on June 30, 2011. As such, the El Paso International Airport hereby requests to extend the Maintenance Facility and Land Lease agreement for one term of one year to expire on June 30, 2011, to coincide with the end date of the Auto Rental Concession Agreement.

PRIOR COUNCIL ACTION:

Approval of a Maintenance Facility and Land Lease for DTG Operations, Inc. on September 12, 2006.

AMOUNT AND SOURCE OF FUNDING:

N/A - Revenue Generating

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



Monica Lombraña, A.A.E., Director of Aviation

Information copy to appropriate Deputy City Manager

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a First Amendment to the Maintenance Facility and Land Lease For Auto Rental Concession between the City of El Paso and DTG Operations, Inc., dba Dollar Rent A Car dba Thrifty Car Rental, to allow for the option to extend the lease for one (1) additional term of one (1) year for the following described property:

Lot 4, Block 1-B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, municipally known as 6511 Allegheny Dr., El Paso, Texas.

APPROVED the ____ day of _____ 2010.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:

Monica Lombraña
Monica Lombraña, A.A.E.
Director of Aviation

STATE OF TEXAS)
)
COUNTY OF EL PASO) **FIRST AMENDMENT TO MAINTENANCE
FACILITY AND LAND LEASE FOR AUTO
RENTAL CONCESSION**

This First Amendment to the Maintenance Facility and Land Lease for Auto Rental Concession is made and entered into this ____ day of _____ 2010 by and between the City of El Paso ("Lessor") and DTG Operations, Inc. dba Dollar Rent A Car dba Thrifty Car Rental ("Lessee").

WHEREAS, effective September 1, 2006, Lessor entered into a Maintenance Facility and Land Lease for Auto Rental Concession ("Lease") with Lessee for the property described as Lot 4, Block 1-B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, municipally known and numbered as 6511 Allegheny Dr., El Paso, Texas (the "Premises");

WHEREAS, the Lease did not contain an option to extend the lease; and

WHEREAS, Lessor and Lessee now desire to amend the Lease to allow for the option to extend the Lease.

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Article IV, Term of Leasehold, is amended to add Section 4.04 as follows:

Section 4.04 Options to Extend. In the event that Lessee is not in default of any terms of this Lease, Lessee shall have the option to extend this Lease for one (1) additional term of one (1) year.

Lessor and Lessee acknowledge that Lessee is exercising the first one (1) year option ("First Option Period") by the complete execution of this First Amendment, and the Lease shall be extended for one (1) year on the same terms and conditions, except the annual rental for the First Option Period shall be as set forth in Article V.

2. Article V, Rentals, is amended to add an annual rental for the First Option Period under Section 5.01 as follows:

For the purpose of computing the annual rental for the First Option Period to be paid by Lessee to Lessor for the Premises ("Rental"), Lessor and Lessee agree that the Premises comprise 33,114 square feet of land including 2,476 square feet of building and site improvements. The Rental for the Premises will be calculated on the basis of 33,114 square feet of land at \$0.36 per square foot per annum, and

2,476 square feet of building at \$9.00 per square foot per annum. Therefore, the annual rental for the First Option Period shall be \$34,205.04.

3. Article V, Rentals, is amended to add a monthly rental for the First Option Period under Section 5.02 as follows:

The monthly Rental amount for the First Option Period shall be paid monthly in advance on or before the first day of each month in a sum equal to one-twelfth of the Rental. The monthly Rental amount due shall be \$2,850.42 per month.

4. Except as expressly modified herein all other terms and conditions of the Lease shall remain in full force and effect and shall remain as written unless expressly modified herein.

IN WITNESS WHEREOF, this First Amendment to the Maintenance Facility and Land Lease for Auto Rental Concession has been executed by the parties hereto as of this ____ day of _____ 2010.

LESSOR: CITY OF EL PASO

Joyce A. Wilson
City Manager

APPROVED AS TO FORM:

Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:

Monica Lombraña, A. A. E.
Director of Aviation

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____ 2010 by Joyce A. Wilson, as City Manager of the City of El Paso (Lessor).

Notary Public, State of Texas

My Commission Expires:

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

LESSEE: DTG OPERATIONS, INC.
dba Dollar Rent A Car
dba Thrifty Car Rental

By: Vicki J. Vaniman
Printed Name: Vicki J. Vaniman
Title: Executive Vice President

ACKNOWLEDGMENT

THE STATE OF OKLAHOMA)
)
COUNTY OF TULSA)

This instrument was acknowledged before me on this 7 day of JUNE 2010
by VICKI J. VANIMAN as EXECUTIVE VICE PRESIDENT of DTG Operations,
Inc., dba Dollar Rent A Car dba Thrifty Car Rental (Lessee).

[Signature]
Notary Public, State of Oklahoma

My Commission Expires:
12-16-2011

